IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WA.No. 2071 of 2006-C

AGAINST THE JUDGEMENT IN WPC.2320/2006
.....

APPELLANT: 1ST RESPONDENT IN W.P.

STATE OF KERALA,
REP.BY THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER

RESPONDENTS: PETITIONERS 1 TO 3 & 2ND RESPONDENT IN W.P.
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1. S.RAJENDRAN PILLAI,
ASSISTANT GRADE-1, HIGH COURT OF KERALA,
ERNAKULAM.

2. P.S.PARAMESWARAN, ASSISTANT GRADE-1,
HIGH COURT OF KERALA, ERNAKULAM.

3. P.L.STEPHEN, ASSISTANT GRADE-1,
HIGH COURT OF KERALA, ERNAKULAM.

4. HIGH COURT OF KERALA REPRESENTED BY
ITS REGISTRAR GENERAL, ERNAKULAM, KOCHI-31.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.KRB.KAIMAL (SR.)
SMT.N.SANTHA
SRI/.K.A.BALAN
SRI.PETERJOSE CHRISTO
SRI.S.P.BALAKRISHNA PILLAI
SRI.B.UNNIKRISHNA KAIMAL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR &

K.R. UDAYABHANU, JJ.

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W.A.NO. 2071 OF 2006

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DATED THIS THE 19TH DAY OF JANUARY 2007

JUDGMENT

Abdul Gafoor,J.

Taking into account the relevant rule, the eligibility for appointment by transfer as Assistant Grade-II from among Typist/Copyist Grade-I as on the relevant date and the retrospective promotion even prior to that date to the post of Senior Grade Typist/Copyist, such transfers are not strictly as per rules. Anyhow to avoid heart burn, we are of the view that the transfer granted to the respondents/writ petitioners to the category of Assistant Grade-II/Grade-I, shall be left undisturbed, but the higher rate of pay that they were paid than that entitled on such transfer if allowed from the category of Typist/Copyist Grade-I, consequent on the

retrospective promotion as Senior Grade Typist/Copyist, shall be treated as personal pay until the same is wiped off by the accruing increments in the scale of pay of Assistant Grade-II/I as the case may be. The writ appeal is closed.

Sd/-
K.A.ABDUL GAFOOR
JUDGE

Sd/-
ks. **K.R.UDAYABHANU,**
JUDGE

TRUE COPY

P.S.TO JUDGE